(135)

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/SR.41
28 February 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 41st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 25 February 1992, at 10 a.m.

Chairman: Mr. SOLT (Hungary)

CONTENTS

Organization of the work of the session (continued)

Question of the violation of human rights in the occupied Arab territories, including Palestine (continued)

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus;

(b) Situation of human rights in occupied Kuwait (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.92-11153/4257B

The meeting was called to order at 11 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

1. The CHAIRMAN said that the Bureau had discussed the draft provisional agenda for the forty-ninth session of the Commission in accordance with Commission decision 1991/109. The Bureau would meet the coordinators of the regional groups on 27 February to discuss the matter in greater detail and would report back to the Commission.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1992/2, chap. I A, draft resolution X)

2. The CHAIRMAN said that, following consultations with delegations representing several groups and discussions within the Bureau, a consensus had emerged that, having regard to the current international situation, the Commission should not take a decision on draft resolution X at its forty-eighth session. A number of delegations, however, did not wish to exclude the possibility of considering that draft resolution at a later date. He therefore suggested that consideration of the draft resolution be deferred to a later session, the date of which would form the subject of consultations in the light of subsequent international developments. If he heard no objection, he would take it that the Commission wished to accept his suggestion.

3. It was so decided.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(b) SITUATION OF HUMAN RIGHTS IN OCCUPIED KUWAIT (agenda item 12) (continued)

(E/CN.4/1992/3-4, 25-26, 27 and Corr.1, 28 and Add.1, 29, 30 and Add.1, 31-37, 60, 64, 67-68 and 72; E/CN.4/1992/CRP.1-2; E/CN.4/1992/NGO.2, 5, 10-11, 13, 19, 24 and 34; E/CN.4/1991/24, 27-31, 33 and Add.1 and 34-36; A/46/446, 529, 542, 544 and Corr.1, 606 and 647)

4. The CHAIRMAN invited the Special Rapporteur to introduce his report on the situation of human rights in Romania.

5. Mr. VOYAME (Special Rapporteur on the situation of human rights in Romania), introducing his third report (E/CN.4/1992/28), said that improvements in the human rights situation in Romania during the previous year, while not as spectacular as the progress that had followed immediately after the fall of the Ceaucescu regime, had been more systematic. During the year, a democratic new Constitution had been adopted which guaranteed human rights and fundamental freedoms. Many laws had been amended, particularly those concerning the rights of accused persons, the prison system, and the protection of citizens vis-à-vis the State. Also, the Romanian Human Rights Institute had been established by an act of 29 January 1991.

6. There were still, however, a number of obstacles to the full implementation of the legislative and governmental measures adopted. Resources were scarce and the mentality that characterized the previous regime still persisted. There was also a shortage of trained staff, particularly in the judiciary and in the prisons. The police were not always impartial in the performance of their duties and the Department of Public Prosecution seemed to take less vigorous action when victims or complainants were members of the opposition or of ethnic minorities. Prisons were old and overcrowded and freedom of thought, conscience and religion, though restored and respected, had not yet resolved the problem of the places of worship of the Greek (Uniate) Catholic Church which had been proscribed and cruelly persecuted under the Ceaucescu regime.

7. The minority problem remained a cause for concern. The new Constitution provided for a unitary State, whose population, however, was far from homogeneous. Tensions could be reduced, in his view, if the majority showed greater generosity towards the minorities. Regrettably, a climate of mutual distrust still prevailed.

8. Finally, the concern he had expressed over article 59, paragraph 2, of the new Constitution, under which citizens belonging to a national minority could be represented by only one organization in elections to the Chambers, had been assuaged by the information he had since received that that provision did not apply to elections in general, but only to a particular case.

9. The observations contained in his report should be construed not as accusations against the Romanian authorities but rather as an attempt to help them further to improve the human rights situation in the country. In order to do so, however, Romania needed the continued assistance of the international community. In that connection, he welcomed the recent agreements between the Romanian Government and the Centre for Human Rights and the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

10. Mr. JAYAWEERA (Sri Lanka) affirmed his Government's continued readiness to cooperate fully with the Commission in its task of promoting human rights. It would not condone and deeply regretted violations of human rights whatever the circumstances under which they occurred.

11. In Sri Lanka, the democratic institutions and processes that had been nurtured for over 60 years had been threatened by two political groups that were ideologically committed to violence and terror. The Government had offered a negotiated settlement as an alternative to armed conflict but the response of the terrorist groups had been to raise the level of violence and terror. Finally, in order to ensure the governance of 16 million people and to prevent the subjugation of the population by a minuscule minority of terrorists, the Government had asked the security forces to restore law and order. That process had incurred a terrible social cost in the form of human rights violations.

12. The Government had taken seven specific steps to address that problem. Firstly, Sri Lankan society had been completely opened to the international community, including human rights organizations and foreign journalists, so that independent evaluations of the situation could be made and the

international community kept informed. Secondly, the Government had confirmed that it would implement 30 of the 32 recommendations contained in the report of Amnesty International. Thirdly, the Government was considering the report of the Working Group on Enforced or Involuntary Disappearances, which it hoped to invite to visit Sri Lanka once again to monitor the implementation of its recommendations. Fourthly, the Special Rapporteur on summary or arbitrary executions had also been invited to visit Sri Lanka and to report back to the Commission. Fifthly, a Presidential Commission had been set up to investigate disappearances alleged to have occurred after January 1991. Sixthly, a separate Human Rights Task Force had also been set up to monitor the treatment of detainees and to engage in rehabilitation work. Finally, a separate Presidential Commission had been created to investigate allegations of indiscriminate shootings by members of the security forces in a village in the Eastern Province. That Commission had already returned an interim verdict indicting several members of the security forces, who were currently facing a court martial.

13. In addition, the Government had gone beyond those specific initiatives to address the immediate issues of violence and was boldly confronting the issue of the underlying economic reality. Human rights violations in Sri Lanka were not the outcome of deliberate Government policies or structured into the political and legal systems but were the end result of decades of economic stagnation. In recognition of that fact, the Government had undertaken a number of other initiatives to create an environment in which the conflicts that bred human rights violations would not recur.

14. Those measures included the dismantling and liberalization of the centrally planned economy. Foreign investment was being encouraged and a large number of public sector enterprises were being privatized. Given the success of those reforms to date the Government hoped to be able to remove some of the fundamental causes of human rights violations in Sri Lanka in the near future. At the same time, it was also addressing the problem of rural poverty through a comprehensive poverty alleviation programme aimed at bringing into the productive sector considerable numbers of rural unemployed youth.

15. Recognizing that violent social and political conflicts often resulted from the lack of adequate opportunities for participation in the political process, the Government had set up an All-Party Conference to provide an opportunity for parties not represented in Parliament to participate in the political process. Parliament itself had set up a special select committee to develop a consensus solution to the national question, involving the devolution of power to the Northern and Eastern Provinces.

16. The Constitution was being amended to limit the restriction of fundamental rights on the grounds of national security. At the same time the right to life, one of the fundamental rights of citizens, was to be enshrined in the Constitution. The Government was also enacting legislation for a permanent human rights commission with general powers to create the conditions necessary for protecting human rights and to initiate remedial action immediately upon the receipt of allegations that human rights had been violated.

17. When commenting on the lack of results of the measures adopted, observers tended to forget that the problems of Sri Lanka were incredibly complex and deep-rooted. Moreover, it was only during the previous 18 months that a systematic effort had been made to deal with them. Furthermore, the fact that Sri Lanka was a democracy denied it the advantage of resolving problems by fiat. He hoped that the international community would bear those constraints in mind when expressing opinions about the speed at which his Government was moving.

18. While the pace of progress had been relatively slow, the gains had been quite impressive. Except for a few instances of residual violence, conditions in the south of the country had almost returned to normal. More importantly, over the previous one and a half years, the initiatives had created a climate conducive to the preservation of human rights. There was currently a greater awareness of human rights issues and the population had more opportunities to articulate their grievances and greater access to legal remedies. Non-governmental organizations and other human rights activists, both national and international, currently had unfettered opportunities to pursue their concerns.

19. Tragically, however, the conflict in the north and east of the country still persisted and had spawned human rights violations in those areas. The only permanent answer was to achieve a durable peace as soon as possible through a negotiated settlement. In pursuance of that policy, and even though it had been clearly inexpedient to do so, the President had declared a cease-fire and had entered into negotiations with the Tamil Tigers. Unhappily, the Tigers had rewarded his trust by unilaterally breaking off negotiations and launching a series of vicious attacks on isolated garrisons manned by the units of the security forces which, lacking arms and ammunition, had surrendered only to be brutally massacred. While the memory of that atrocity would always be with the security forces, the Government remained firmly committed to a negotiated settlement.

20. His Government was neither defensive nor evasive about the human rights problem. It realized that a serious problem existed and it was doing all it could, within the realities of the situation, to reverse the trends of previous decades. It welcomed any form of assistance, except judgement or censure, that the international community wished to provide in a manner consistent with the dignity of Sri Lankans.

21. Mr. FAN Guoxiang (China) said that, since the founding of New China 40 years previously, the 56 nationalities living in the country had coexisted in harmony, enjoying civil, political, economic, social and cultural rights. Unfortunately, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, prompted by certain members who had disregarded the strong objection raised by its members from China and other countries, had, in August 1991, adopted by secret ballot a resolution (1991/10) on the so-called "situation in Tibet", thereby grossly interfering in the internal affairs of China. Furthermore, certain non-governmental organizations (NGOs) had concocted so-called "information", which had already been thoroughly refuted by China, and inserted it in the note by the Secretary-General (E/CN.4/1992/37) in the form of an annex. His delegation deemed it necessary to expose the

so-called "human rights issue in Tibet", a political smokescreen created by a handful of Tibetan separatists in collusion with certain international forces hostile to China.

22. Before 1959, a barbarous system of serfdom had reigned in Tibet. Accounting for 95 per cent of the population, the serfs and slaves had been denied not only their social and political rights, but even basic conditions of survival: serf owners could put their serfs to death, gouge out their eyes or cut off their hands. In 1959, at the ardent request of the Tibetan people, the Central Government had abolished serfdom in Tibet. Since then, the former slaves had enjoyed a wide range of political rights guaranteed by the Constitution, including the right to freedom of religious belief.

23. Five democratic elections had been held since 1959, and Tibetans accounted for 95 per cent of the deputies sent to the People's Congress at the county level. Tibetans enjoyed full economic, social and cultural rights. Tibet's agriculture had registered considerable growth, living standards had improved, and the average lifespan of Tibetans had increased from 35 years to 65 years over the past four decades.

24. In view of those facts, it was difficult to understand how certain people could still charge that China violated human rights in Tibet. No doubt it was because some of them had themselves been serf owners in Tibet, were bitterly opposed to democratic reform and yearned to split Tibet from China so as to restore their lost privileges. In addition, certain international forces hostile to China hoped that the return of those former serf owners would help dismember China, an old dream of the colonialists.

25. The allegations contained in annex II to the note by the Secretary-General were totally unfounded or based on a distortion of the facts. The assertions referred to "peaceful demonstrations for Tibet's independence" in Lhasa, the capital of the Tibet Autonomous Region, between 1987 and 1989. In actual fact, riots had been fomented by a small number of violent separatists. The rioters had severely disrupted the daily life of the city, beating and killing residents, looting shops, setting fire to public facilities and demolishing schools. There was conclusive evidence that the Tibetan separatists in exile had sent instigators to start the riots and provided financial support for the disorders. The "information" received from the NGOs alleged that at least six persons had been executed. In actual fact, of the handful of criminals who had taken part in the riots and who had been tried in the courts, not a single one had been executed.

26. In the "information" received, it was alleged that the prisoner Lhakpa Tsering had died in prison as a result of torture and ill-treatment, but that the reasons for his death had not been made public. In fact, Lhakpa Tsering had died on 15 December 1990 of peritonitis and an acute appendicitis, despite intensive emergency treatment. On three occasions in May and August 1991, his Government had forwarded to the Centre for Human Rights and the special rapporteurs the results of the post-mortem carried out by experts.

27. The so-called "plundering of Tibetan resources" was a vicious fabrication. On the contrary, the Central Government of China had pursued special preferential policies in Tibet. Land was allotted to individual households for their own use, and each household owned and raised livestock as part of a policy to foster self-management. Since 1980, farms had been exempt from taxation on items relating to agriculture and animal husbandry. Children of farmers and of herdsmen received free meals, board and education in primary and middle schools. Medical care was free throughout Tibet.

28. Foreign-exchange earnings from export commodities in the Tibet region were retained in their entirety for local use. Over the past 40 years, the Central Government's financial subsidies and development investment in Tibet had totalled the equivalent of more than US$ 3 billion. It was rare to find such preferential policies as those implemented by the Central Chinese Government in Tibet.

29. Some of the material collected contained demands for the right to self-determination for Tibet or claimed that Tibet was an occupied country. It was quite absurd to call the stationing of Chinese troops on China's own territory "military occupation" and the abolition of the system of serfdom "colonial domination". The Tibetan separatists had repeatedly declared that they favoured "non-violence", but the facts spoke for themselves: in 1959, they had staged an armed rebellion to oppose the democratic reform. When that had failed, they had dispatched small gangs of armed bandits to intrude into Tibet, carry out sabotage and foment riots. That could not be regarded as "peaceful demonstrations" for human rights, but violations of the law and violent terrorist activities aimed at dismembering China. Moreover, the separatist activities of a handful of Tibetans were masquerading under the cloak of religious rights.

30. In an arrogant statement made on behalf of a non-governmental organization called France Libertés Fondation Danielle Mitterrand concerning the question of Tibet, a woman of international repute had made some irresponsible charges against China. That same person had admitted that the sensationalist statistics she had used had been fabricated by a handful of separatists. His delegation was reminded of the small group of exiled French royalists that had continued their actions abroad, years after the end of the French Revolution. The unfounded allegations made by that person were inconsistent with her lofty position.

31. Resolution 1991/10, wrongly adopted by the Sub-Commission, and the "information" received from non-governmental organizations were not intended to promote human rights in Tibet, but were an attempt to internationalize the issue of Tibet and to support the small group of Tibetan separatists. Certain international forces hostile to China had been attempting to present as defenders of Tibetan people's rights a handful of separatists who, in the past, had trampled upon the human rights of the Tibetan people and who did not have the support of any of the nationalities in China. His delegation was convinced that the Commission would see through the conspiracy to jeopardize Chinese sovereignty under the pretext of human rights concerns.

32. Turning to the question of Cyprus, he said that his Government held that the independence, sovereignty and territorial integrity of Cyprus must be respected. It supported the Secretary-General's mediation efforts and hoped that the two ethnic groups of Cyprus and the other parties concerned would be able to seize the opportunity to find a just solution by conducting negotiations at an early date in accordance with the spirit of the relevant United Nations resolutions. That was in the fundamental interest of the two ethnic groups in Cyprus and would also be conducive to peace and stability in the region.

33. Mr. SZELEI (Hungary) said that the protection of human rights and fundamental freedoms was a legitimate concern of the international community and could not be considered as part of the internal affairs of States. It was the right, and a legal and moral obligation, of the international community to take all necessary actions to promote and protect basic human rights, regardless of where violations occurred.

34. His delegation continued to be concerned about the systematic and massive violations of human rights in Iraq, as described in the report of the Special Rapporteur (E/CN.4/1992/31). The accumulated evidence led to the conclusion that the Government of that country had systematically violated its international human rights obligations. The report gave ample evidence of mass executions, torture, ill-treatment of political opponents and minorities and numerous cases of involuntary disappearances. Moreover, the Iraqi military had been indiscriminately bombing the territory in which the Kurds lived.

35. The United Nations must condemn those acts and maintain the international humanitarian relief operations to protect the Kurdish minority. As long as the Government of Iraq failed to comply with its international human rights obligations or to put an end to the repression and persecution, the Commission should keep the situation in Iraq under close scrutiny.

36. Hungary was profoundly concerned about the deteriorating human rights situation in Myanmar and regretted that the military regime still refused to accept the freely expressed will of the people. Despite the appeals by the international community, political opponents were still being detained, including a number of those who had been elected in democratic elections two years previously, and Daw Aung San Suu Kyi, the Nobel prize winner, was still under house arrest. The military authorities must take prompt action to end human rights violations in Myanmar. It was essential that they should release the detainees and respect the basic rights of the people of Myanmar, including those of religious and national minorities. As long as the human rights situation in Myanmar did not improve, the Commission should continue monitoring it closely.

37. While appreciating the continued willingness of the Government of Romania to cooperate with the United Nations and acknowledging the improvement in the human rights situation there, his delegation was still concerned about the human rights situation in that country. Further assistance by the international community was needed to help the Romanian authorities ensure that human rights were respected both de jure and de facto. As long as violence continued to claim lives, political opposition was subject to harassment, discriminatory measures were taken against minorities, the

independence of the judiciary was not guaranteed and ill-treatment, arbitrary arrests and detentions persisted, the human rights situation in Romania must remain under consideration by the Commission.

38. The report on the situation of human rights in Romania (E/CN.4/1992/28) stated that, although the situation of the Hungarian minority had improved substantially in 1990, progress had been less appreciable in 1991. More than 2 million Hungarians were living in Romania, and their unmet legitimate demands were listed in the report. The use of their language was curtailed in education and in the courts. They were underrepresented in political institutions, even in the local authorities of regions where many Hungarians lived. The Hungarian minority and its members, including the leaders of their organizations, were still the target of harassment, intimidation and interference.

39. His delegation deeply regretted that the Romanian authorities had refused to re-establish Bólyai University as a full-fledged Hungarian institution. It urged the Romanian authorities to take early and positive action to restore that university, thereby correcting the decision of the former totalitarian regime and dissociating itself from those policies.

40. His delegation continued to be concerned about the human rights situation in Cuba. It agreed with the final remarks of the Special Representative in his report on the situation of human rights in Cuba (E/CN.4/1992/27) expressing regret that the Government of Cuba should have taken the decision not to cooperate with the Special Representative in the performance of his mission, and hence with the Commission on Human Rights in the fulfilment of its responsibilities as a supervisory body of the United Nations system. It endorsed the position of the European Community that the refusal of any member of the Commission to cooperate with a special representative was a cause for grave concern.

41. Acts of persecution against dissidents and opponents of the regime had increased alarmingly. Freedom of expression, association, political participation, assembly and movement were seriously impaired. His delegation urged the Cuban authorities to end human rights violations and to release all those who had exercised their basic human rights peacefully and in full accordance with international standards.

42. Hungary was following developments in what had previously been Yugoslavia with the deepest concern and anxiety, particularly with regard to the human rights dimension of the crisis. Grave, flagrant and systematic violations of human rights and minority rights were being committed on the most horrifying scale, including extrajudicial and summary executions, arbitrary detentions, the forced mobilization of government critics in Serbia and the displacement of hundreds of thousands of people. Hungary alone was giving shelter to over 50,000 refugees from Croatia and Serbia.

43. The situation in the province of Vojvodina was most disturbing and alarming, since the basic human rights and fundamental freedoms of hundreds of thousands of Hungarians were being deliberately and seriously violated by the Serbian authorities and the military. The future of the Hungarians, like that of the other minorities inhabiting the Southern Slav States, could be assured

inter alia by the institution of territorial and cultural autonomies under effective international guarantees and control mechanisms. His delegation urged the Working Group on Enforced and Involuntary Disappearances and the Special Rapporteur on summary or arbitrary executions to pay particular attention to human rights violations in the war zones of the former Yugoslavia, including on-the-spot investigations of the human rights situations of minorities in Kosovo, Sanjak, and Vojvodina.

44. Despite recent favourable developments in many parts of the world, his delegation was firmly convinced that the Commission should not forget the victims of violations of human rights and fundamental freedoms, irrespective of how far they might be from the conference room. It therefore lent its full support to the Austrian initiative, which would provide the Commission with a mechanism to respond quickly and effectively to urgent situations of gross violations of human rights, wherever and whenever they occurred.

45. Mr. SCHERK (Austria) said that, since Article 56 of the United Nations Charter obliged all Member States to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55, which included the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all, human rights questions were not, therefore, matters which were essentially within the domestic jurisdiction of States. Human rights transcended cultures, races, religious beliefs and even political systems. The Universal Declaration of Human Rights must remain universally accepted as the bill of basic rights of all human beings.

46. There was often talk of an alleged North-South gap in the conception of human rights. His delegation could not but agree, in that connection, with the Minister for Foreign Affairs of Egypt who had told the General Assembly on 30 September 1991 that there was no basic disagreement between developing and developed countries on the need for respect for human rights but that a balance must be struck between human rights and socio-economic development in a context encompassing international relations as a whole.

47. His delegation was pleased to note that a constructive dialogue had been engaged with the Governments of Romania and Albania on the subject of human rights and that progress had been made in those countries, although there still seemed to be room for improvement with respect to the treatment of ethnic minorities in Romania.

48. In contrast, the armed conflict in Yugoslavia had led to massive violations of the most basic human rights. His delegation strongly deplored the attacks on the civilian population and the destruction of hospitals, schools and cultural property by the Yugoslav army. He wished to refer, in particular, to the plight of those persons who had refused, for reasons of conscience, to participate in that fratricidal strife and who were currently being persecuted by the Yugoslav military authorities.

49. Strict observance of human rights commitments, including those pertaining to the rights of minorities, had appropriately been made a condition for the international recognition of Slovenia, Croatia and any other successor States

of Yugoslavia. In that context, his Government was particularly concerned about the continuing unsatisfactory situation of human rights in Kosovo, Vojvodina and Sanjak.

50. His delegation noted with regret that the human rights problems in Cyprus, especially those relating to refugees and missing persons, had not yet been resolved. Likewise, the Madrid peace process had so far brought no change in the situation of the human rights of the Palestinian population, which remained as unsatisfactory as ever.

51. Although the gross human rights abuses by the Iraqi occupation forces in Kuwait were part of history, the serious problem of more than 2,000 missing persons persisted. His Government urgently appealed to the Government of Iraq to provide information of their whereabouts and to release all prisoners of war who were still detained. It was also to be hoped that human rights and fundamental freedoms would be guaranteed to all the persons living in Kuwait without any distinction.

52. Human rights in Iraq itself also gave rise to concern. The reported use of summary executions and the widespread practice of torture and arbitrary detention were very disturbing and it was alarming that gross human rights violations directed against the Kurds were an almost daily occurrence.

53. It was to be hoped that the Islamic Republic of Iran would find it possible to continue to cooperate with the Special Rapporteur in order to achieve further progress regarding full respect for human rights in the future, since it appeared that the human rights situation in that country was still very unsatisfactory.

54. With respect to war-torn Afghanistan, his Government strongly supported the appeal of the Special Rapporteur to all parties to the armed conflict to strive energetically for a political solution, the essential precondition for the restoration of human rights and, in particular, for the return of the more than 5 million Afghan refugees abroad. While the commutation of a large number of death sentences was to be welcomed, other serious violations of human rights persisted. In addition, the fate of the many formerly Soviet prisoners of war needed to be clarified.

55. The situation of human rights in Sri Lanka had gravely deteriorated in recent years, due to armed insurgencies and ethnic strife. The recording by the Working Group on Enforced and Involuntary Disappearances of up to 12,000 cases of disappearances since 1983 and of over 1,000 such cases in 1991 was indeed a cause for serious concern.

56. In Myanmar, the military authorities had persistently disregarded the results of the free elections in May 1990. His Government was deeply concerned about the continued detention and imprisonment of the leaders of the political opposition and the denial of basic human rights to the population of Myanmar. It therefore reiterated its appeal for a meaningful political dialogue between the authorities and political parties so that they could engage in a democratic process with positive effects on human rights.

57. His delegation had noted with great satisfaction the rapid evolution of a number of African States towards pluralist democracy, the rule of law and respect for human rights, especially when those changes were brought about by peaceful means. It was confident that the restoration of political and civil rights would also have a positive effect on the enjoyment of economic, social and cultural rights. Nevertheless, it was gravely concerned about the continuing internal conflicts in countries like the Sudan, Ethiopia, Somalia, Liberia, Zaire and Mozambique, which were characterized by serious human rights violations.

58. Although the abolition of the formerly existing discriminatory legislation in South Africa was to be welcomed, it would take considerable time for the long-term negative consequences of apartheid to be redressed.

59. The situation of human rights in El Salvador appeared to be on the threshold of decisive improvement as a result of the recent peace agreement reached under the auspices of the United Nations. Despite that positive development, however, very serious human rights violations continued to cause alarm.

60. The climate of violence and fear in Guatemala was deeply disturbing. The President of the Human Rights Commission of the Guatemalan Parliament had recently informed the Austrian Government of repeated threats to his life and to those of his collaborators because of their activities in defence of human rights. The Guatemalan Government should take urgent measures not only to protect him and his collaborators but to improve the protection of human rights in general.

61. In Haiti, grave human rights violations occurred almost daily, causing a large-scale refugee problem. His Government therefore reiterated its appeal to the persons currently holding power there to return to democratic legality and to the rule of law.

62. It was most regrettable to learn that the Government of Cuba had failed to cooperate with the Special Representative who had been appointed, at the request of the Commission, to maintain direct contact with that Government on human rights issues. His report (E/CN.4/1991/27) had pointed to serious violations of human rights in that country, including denial of the freedom of expression and association, persecution of dissidents and opponents of the regime and abuses against the prison population, particularly in the case of those detained for political reasons. His delegation therefore appealed to the Cuban authorities to enter into a dialogue with the Commission on those serious issues and to extend its cooperation in the future to the Special Representative.

63. All the situations he had referred to so far had engendered population displacements, either external or internal. In that context, his delegation welcomed the UNHCR Executive Committee's call upon the High Commissioner to contribute, as appropriate, to the deliberation of international human rights bodies. One of the many valuable suggestions made by the High Commissioner in her address to the Commission was that all the country-specific and thematic mechanisms of the Commission should be requested to focus to some extent on

the circumstances which created flows of refugees and displaced persons. It was a suggestion that could and should lend itself to further consideration and action.

64. Mr. GADGIL (India) said he regretted that little or no progress had been made in addressing the human rights situation in Cyprus. The partition of any country was always a tragic event which resulted in intense human suffering, as well as dispossession and destruction of property. Many Cypriots had suffered the cruel fate of becoming refugees in their own country.

65. The intercommunal dialogue between the two Cypriot communities under the auspices of the United Nations Secretary-General had been a welcome development. Forward movement on territorial adjustments and displaced persons would bring within reach an overall framework agreement which would satisfy both sides. It was to be hoped that that would be achieved as soon as possible.

66. The non-aligned countries had repeatedly reaffirmed their solidarity with and support for the people and Government of Cyprus. They had also pointed out that sustained and substantial dialogue and intercommunal talks were the only way of reaching a just solution by peaceful means on the basis of the principles of the United Nations Charter.

67. His Government continued to believe that the problem of human rights in Cyprus could be resolved only within the framework of the unity, sovereignty and independence of the country. Various issues, including constitutional arrangements and the withdrawal of foreign forces and settlers from Cyprus, were critically linked to the full restoration of all human rights of the Cypriot people and were an integral part of the ongoing intercommunal dialogue.

68. In conclusion, his Government supported the continuation of the good-offices mission of the Secretary-General, entrusted to him by the Security Council, to find a just and viable solution to the Cyprus problem.

69. Mr. AL-FARSY (Observer for Oman) said that the right of peoples to live in peace was an undeniable and legitimate right recognized in all international human rights documents and in the divine teaching of Islam. However, despite that fact, on 2 August 1990, the world had been surprised by the Iraqi invasion and occupation of Kuwait. His Government had been one of the first to denounce that invasion and to call upon Iraq to withdraw its forces and to allow its legitimate Government to return to that country.

70. His Government had made diplomatic efforts to find a peaceful solution and to avoid a war in the region. The inclusion of the item on occupied Kuwait in the Commission's agenda indicated that the United Nations in general and the Commission in particular, had recognized Iraq's violation of human rights through its invasion of Kuwait.

71. His delegation had read with interest the preliminary report of the Special Rapporteur appointed to examine the human rights violations committed in occupied Kuwait by the invading and occupying forces of Iraq (A/46/544), which contained a tragic list of the sufferings of the population of Kuwait, such as detention, torture, destruction of public and private property and

the disappearances of prisoners of war. His delegation agreed with the recommendations of the Special Rapporteur and called upon Iraq to find a solution to the problem of the prisoners of war and to provide all information in that regard.

72. His delegation had also taken note of the report of a high-level mission (S/22536) which had visited Kuwait to assess the loss of life incurred during the Iraqi occupation and to examine the occupation forces' practices against the civilian population of Kuwait. He was pleased that efforts were being made to rebuild Kuwait and thanked all those at the national and international levels who were helping in that task.

73. Noting that, in his final report (E/CN.4/1992/26), the Special Rapporteur had made great efforts to provide a legal framework, he drew attention to the fact that the Iraqi authorities had disregarded the rights enshrined in the Charter of the United Nations, the International Covenants on Human Rights and other relevant legal instruments. His delegation regretted, in particular, the fact that those violations had been committed by an Arab and Muslim State against a neighbouring Arab State and hoped that an end could soon be put to the crisis. He therefore called on Iraq to seek out the persons still missing, in cooperation with international humanitarian organizations, to provide information on all the persons deported from Kuwait who might still be detained and to release them without delay.

74. Mr. SEZGIN (Observer for Turkey), speaking in exercise of the right of reply, said that, at a previous meeting, he had been surprised to hear the representative of International Educational Development, a non-governmental organization primarily concerned with education, extend its field of interest to that of military strategy and logistics, confounding terrorist acts by a group of criminals with a civil war. He wished to stress that Turkish democracy was sufficiently solid to put an end to the crimes of that group while fully respecting the human rights of all its citizens, who enjoyed the same status, rights and freedoms whether they were of Turkish, Kurdish or any other origin.

75. With regard to the statement by the representative of the World Confederation of Labour which had criticized several countries and referred to allegations outside its sphere of competence, he noted that it had omitted to mention the situation of immigrant workers who had to cope with an increasing wave of racism and xenophobia in certain European countries and whose rights were being eroded. He would like to know whether that was a conscious or unconscious omission. He wondered whether, by referring to countries sometimes thousands of kilometres from where it was established, the NGO was trying to absolve itself from its inability to act vis-à-vis the dramatic situations taking place before its eyes. It seemed to his delegation that the Commission was witnessing an example of guilt transference.

76. Mr. ANTONIO (Observer for Haiti), speaking in exercise of the right of reply, said with regard to the statement by the representative of Christian Democrat International concerning Mr. Manigat, that military personnel, directed by General Namphy, had drowned in blood the attempt of the first Provisional Electoral Board to organize in November 1987 the first democratic elections in Haiti. Two months later, the General had organized his own

elections in which only candidates close to the former Duvalier regime and Mr. Manigat had participated, the major candidates having refused to take part. Mr. Manigat had been declared the elected President of Haiti. In June 1988, he had tried to remove General Namphy and had been stripped of his powers by the latter who had once again entered the National Palace. An army rebellion in December 1988 had ended the second reign of General Namphy.

77. General Avril had then seized power but did not transfer it to Mrs. Trouillot, as had been mistakenly stated by the representative of Christian Democrat International. It was only a year and a half later that the General had had to relinquish power under pressure by the people and the concerted action of some political parties, trade unions and grass-roots organizations. A new Government had been formed and a State Council had then been established with a mandate to hold elections. Under the direction of a new Electoral Board and the surveillance of the international community, Fr. Aristide had been elected President of Haiti on 16 December 1990.

78. The representative of Christian Democrat International had also asserted that President Aristide had tolerated serious violations of human rights. Those allegations were drawn from the disinformation campaign launched by the perpetrators of the coup d'état to attack the reputation of President Aristide. Passages of certain statements by the President had been taken out of context in such a way as to support his detractors. President Aristide had, on several occasions, condemned the practice of necklacing.

79. With regard to the deaths of Mr. Claude and Mr. Lafontant, the representative of Christian Democrat International had failed to mention that the murders had been committed during the coup d'état on 29 September. One version of the facts was that the crimes had been ordered by the coup authorities. With regard to the accusations levelled by the de facto Government against President Aristide, his delegation referred to the conclusions in the report by Mr. Celli on the subject that none of the accusations had been borne out.

80. Mr. MBARUSHIMANA (Observer for Rwanda), speaking in exercise of the right of reply, said, with regard to the statement made at a previous meeting by the representative of the World Social Prospects Association on violations of human rights in Rwanda, that its sources of information concerning his country were inexact or outdated.

81. On the right to life, he wished to point out that that was a sacred right in his country and guaranteed by article 12 of the Constitution, which stipulated that the human person was sacred and that his inviolability was ensured by law. It should also be noted that Rwanda was party to the Convention on the Prevention and Punishment of the Crime of Genocide.

82. Those who had launched the war against his country since 1 October 1990 were the ones responsible for the deaths suffered by both sides, as well as the actions committed by them against the civilian population. He was convinced that an end to that barbaric aggression would not only lighten the burden on the people of Rwanda but also accelerate the process of ongoing democratization in his country.

83. With regard to freedom of expression, he said that the information supplied by the World Social Prospects Association was out of date and he therefore requested that NGO to refer to the statement made in the Commission on 19 February 1992 by the Rwandese Minister of Justice to the effect that all Rwandese journalists were free, with the exception of the editor-in-chief of the newspaper Le Tribun du Peuple, who had recently been sentenced to four years' imprisonment for grossly insulting the Head of State. In that connection, he pointed out that journalists should not consider themselves above the law, particularly since article 18 of the Constitution of Rwanda and recent legislation on the press provided for the punishment of offences committed while exercising the freedom of the press.

84. His Government had no objection to the proposal that a mission of inquiry be sent to the countries mentioned in the statement of the representative of that non-governmental organization. However, since his country had opened all its prisons to everyone who expressed a desire to visit them, he could see no need for such a mission of inquiry to visit Rwanda.

85. Nevertheless, he invited the representative of the NGO in question to visit Rwanda so as to see for himself the situation that prevailed in the country.

The meeting rose at 12.55 p.m.